

## Pete's Accomplishments in the 107th Congress

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## Health (top)

As the ranking Democratic Member of the Ways and Means Subcommittee on Health, Stark continued his efforts to improve Medicare and to fight attempts that would reduce the government's commitment to providing universal coverage for our nation's senior citizens and disabled population. He also worked to expand access to health insurance for the uninsured and to provide quality health care for everyone. His position on the Health Subcommittee allows him to specialize in these health issues which are of key importance to American families.

## MEDICARE REFORM

Early in the 107th Congress, Stark introduced a blueprint for comprehensive, long-term Medicare reform. His proposal, if enacted, would modernize Medicare without raising premiums on seniors or forcing Medicare beneficiaries out of the traditional fee-for-service Medicare program and into HMOs. The proposal (HR 803) builds on Clinton Administration efforts to modernize Medicare. It would add a prescription drug benefit to the program as well. He introduced this bill to make clear that the Bush-preferred approach for Medicare reform called "Premium Support" is not the only viable option for Medicare reform.

### - Leading the Fight for a Medicare Prescription Drug Benefit

Stark re-ignited the debate on the need for a Rx benefit in Medicare by his introduction of a Medicare Prescription Drug benefit bill in the fall of 1998 (HR 4753). The bill was revised and reintroduced with Senator Kennedy as HR 1495. This bill became the basis for the Democratic Medicare Prescription Drug bill later in the year. It was support for this bill that forced the Republican House leaders into debating a prescription drug benefit in the full House.

On July 14, 1999, Stark's amendment in Ways and Means to offer a tax credit of 50% for Medicare beneficiaries on the cost of drugs up to \$2000 in 2003, rising to \$5000 by 2009 was defeated on a party line vote, but helped force Republicans to begin to develop their own plan.

Stark requested a GAO study (received Sept. 21, 1999) showing how extensively HMOs are reducing their optional Rx benefits for Medicare enrollees, thus making the case that an Rx benefit should be added to the core Medicare package so that all beneficiaries are covered, all the time.

In order to bring Medicare prescription drug legislation to the House floor, Rep. Stark took the lead in filing a discharge petition on H.R. 1495, to 'discharge' the Ways and Means Committee from bottling the bill up, and thus allow a full vote in

the House of Representatives.

Rep. Stark worked with Members of Congress, senior advocacy and labor groups, the Administration and others to consider and draft Democratic alternatives for Medicare prescription drug coverage -- ultimately leading to introduction of H.R. 4770, the Medicare Guaranteed and Defined Rx Benefit and Health Provider Relief Act of 2000, with 115 cosponsors.

HR 4770, endorsed by the President, the Vice President and major senior groups, provided a drug benefit in Medicare that would have offered voluntary insurance to all seniors and disabled, and provided catastrophic, out-of-pocket protection.

This bill was offered by Mr. Stark as the Democratic 'motion to recommit' i.e., the substitute motion to the Republican private medigap drug plan. The bill fit in the allowed budget of \$40 billion over 5 years, and \$295 billion over ten years- providing twice as much relief and protection as the Republican bill. It failed by a vote of 204 to 222. While the 106th Congress adjourned without passing legislation creating a Medicare prescription drug benefit, it is sure to be a major issue in the new session of Congress.

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- [Fighting Excessive Drug Prices](#)

Letter from the Medicare Administrator to Rep. Stark, May 31, 2000:

"Thank you for the leadership role you have been taking in addressing the need to ensure that both Medicare and Medicaid pay appropriately for prescription drugs"

In March, 1998, Rep. Stark and Marion Berry (D., Ark) filed a complaint with the Federal Trade Commission against Mylan Laboratories and three others, charging anti-competitive behavior that was driving up some generic drug costs by 4093 percent! On July 13, 2000, the FTC imposed a \$137 million fine on Mylan. Since the Congressmen's complaint, prices of the drugs have come down. Stark believes that the FTC's settlement should be reviewed to ensure even further lowering of drug costs.

Study of Rx Prices in 13th District: Rep. Stark requested and received two studies by the minority staff of the House Government Reform Committee. The first study reveals the amount seniors with no prescription drug coverage (i.e., those paying cash for prescription drugs) pay for their medications in the 13th District compared to the prices paid by large U.S. insurers. A separate Government Reform study prepared for Rep. Stark compares the prices paid by seniors with no drug coverage to what consumers pay in Canada and Mexico. On average, the studies found that 13th District seniors without drug insurance pay about twice as much. By passing Rep. Stark's Medicare prescription drug benefit, this unfair pricing system would be eliminated.

Stark released a Joint Economic Committee report on Feb. 9, 2000 on Rx inflation, which is running at 15.4% annually compared to general health inflation of 5.6%.

Stopping Rx Average Wholesale Price abuse: See Stark's initiatives under fighting Medicare fraud, which if enacted -- will result in billions in savings over the next few years.

Pharmaceutical Advertising: Since a major source of the increase in drug costs has been the explosion in advertising expenses, Rep. Stark introduced the Fair Balance Prescription Drug Advertisement Act of 2000 (H.R. 4686) to deny tax deductions for unbalanced prescription drug advertising that places more emphasis on product benefits than risks or fails to meet FDA advertising standards. This issue is likely to receive a great deal of attention in the 107th Congress.

Taxpayer-funded R&D: One way to help the public deal with the high cost of drugs is to ensure that the public's investment in drug development is returned, either in lower prices or by the public receiving a share of the profits. Eleven of the 14 drugs identified as the most medically significant over the last 25 years were developed with taxpayer dollars, yet drug companies continue to use the 'R&D argument' as their excuse to charge Americans the highest prices in the world. As a result, Rep. Stark collaborated with Rep. Capuano (D-MA) to introduce the Public Investment Recovery Act of 2000 (H.R. 4705). This bill calculates the proportion of taxpayer-financed R&D that led to the production and sale of a product and uses a portion of these profits to finance a Medicare drug benefit and support further R&D.

Pharmaceutical Gifts vs. R&D: Because drug companies spend more than \$11 billion per year on marketing and promoting their products directly to physicians -- i.e., an estimated total of \$8,000 to \$13,000 per physician -- Rep. Stark introduced the Save Money for Prescription Drug Research Act of 2000 (H.R. 4089). This bill denies tax deductions for certain gifts and benefits (other than drug samples) provided to physicians by pharmaceutical manufacturers. The intent of the bill is to either lower the cost of drugs caused by this lobbying, or to encourage the companies to spend more on R&D and less on marketing. Rep. Stark also submitted for the Congressional Record many examples of unsolicited drug company "freebies" that a Florida physician received in just one week -- freebies that graphically demonstrate how much money drug manufacturers waste in promoting products, rather than increasing R&D or lowering drug prices.

Pharmaceutical Taxation and Pricing: According to a December 17, 1999, Library of Congress report requested by Stark, the U.S. drug industry reaps tax benefits that lowered their effective tax rates by nearly 40% relative to other major U.S. industries, yet U.S. drug companies charge the highest prices in the world. In response, Rep. Stark introduced the Prescription Price Equity Act (H.R. 3665) -- a bill to ensure that drug companies charging more for products in the U.S. than they charge in other industrialized nations would forfeit their eligibility for certain U.S. tax subsidies. Stark's amendment to deny tax breaks for the export of US-made drugs at lower prices to developed nations was defeated in the Ways and Means Committee on July 27, 2000. (Stark also wrote the Treasury Department on May 2, 2000 urging the Administration not include Rx export subsidies in their tax proposals.)

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- Improving Medicare

The Medicare Regulatory and Contracting Reform Act: Stark co-authored bipartisan legislation (HR 3391) with Health

Subcommittee Chairperson Nancy Johnson (R-CT) that unanimously passed the House. The legislation would simplify and reform the regulatory and contracting processes in Medicare. This legislation would reduce administrative burdens on providers and improve regulatory processes, while continuing to protect taxpayer dollars from being inappropriately spent under Medicare. In contrast, earlier versions of this legislation that were strongly supported by the American Medical Association and other provider organizations would have opened the Medicare doors to rampant waste, fraud, and abuse. Through Stark's efforts, the bill was refined to address provider concerns without allowing the abuses of the earlier proposal.

Stark also included important beneficiary protections in the final legislation. It would establish a beneficiary ombudsman program for Medicare to provide a voice for beneficiaries within the Centers for Medicare and Medicaid Services (CMS), the government agency that runs Medicare, and enable the agency to better anticipate and respond to beneficiary needs.

The legislation also establishes a single, national, toll-free telephone number "1-800-MEDICARE" for beneficiaries to call with their questions. The single telephone number will replace the pages of telephone numbers that beneficiaries now must sort through in the Medicare Handbook to find the correct number to call with their particular concern.

The bill authorizes a new demonstration program that will place Medicare staff in Social Security field offices to answer beneficiary questions and provide assistance with Medicare issues. Since seniors are used to going to Social Security offices for help with their retirement benefits, it makes sense to provide Medicare assistance at the same place.

By requiring the use of safe needle technology in public hospitals, the bill also completes Stark's efforts to assure that health care workers are protected from needlestick injuries. This provision builds on Stark's efforts, along with Rep. Phil English (R-PA) and others, which resulted in passage of legislation that protects health care workers in most settings from needlestick injuries in 2000. Unfortunately, that bill had a loophole that prohibited public hospitals from being included in the requirement to use safe needle technology. This provision corrects that loophole. This important provision in the bill will save lives.

The bill also delays for one year the requirement in current law that begins in 2002 to "lock" Medicare beneficiaries into their Medicare+Choice plan (Medicare HMO) for a year. Stark doesn't believe anyone should be forced to remain in a Medicare HMO that doesn't meet their needs. Stark also introduced legislation (See HR 3267) to permanently remove any lock-in requirement. Although this bill only delays the lock-in effective date by one year, it is a good start.

Finally, this bill takes long-overdue steps to fundamentally reform Medicare's contracting system. Stark has worked on this reform for years, which would allow Medicare to negotiate better contract terms, while maintaining quality services and fulfilling performance goals. This provision of the bill in particular is strongly supported by the Centers on Medicare and Medicaid Services.

While this bill unanimously passed the House late in 2001, the Senate has not yet acted on similar legislation. Stark will continue to work closely with Rep. Johnson and others to see that these Medicare improvements get enacted into law in 2002.

**Improving Care for People with Chronic Health Conditions:** Stark continued his efforts to make Medicare more responsive to beneficiaries' health needs by introducing HR 3188, the Medicare Chronic Care Improvement Act. Individuals with chronic illnesses represent the highest-cost, fastest-growing sector in health care. Approximately 80% of seniors have at least one chronic condition and two-thirds have at least two chronic conditions. The numbers are even higher among women, 90% of whom have one or more chronic illnesses. Yet, Medicare continues to focus on acute illnesses.

The Medicare Chronic Care Improvement Act would improve Medicare benefits, financing, and oversight for people with chronic conditions such as Alzheimer's disease, arthritis, depression and Parkinson's disease. Patient benefit packages would be updated to include increased access to preventive and wellness services. Medicare would compensate providers for time they spend coordinating complex patient needs and teaching patients and their family caregivers how to better manage their conditions. Medicare payment systems would also be updated to better account for the additional costs of caring for patients with chronic conditions.

The Medicare Outpatient Copayment Reduction Act: For most Medicare services, beneficiaries are required to pay 20% of the allowed payment amount while Medicare pays 80%. However, due to an error in the original Medicare outpatient benefit payment formula, the beneficiaries copayment rate for outpatient services has been significantly higher, at times as high as 90%.

Stark partially corrected this inequity in other legislation that was enacted, reducing the copayment rate for outpatient services to 40% by 2006.

This additional Stark bill (HR 3284) would continue the reduction so that by 2010 Medicare beneficiaries would pay just 20% cost-sharing for outpatient services. It's a long overdue beneficiary improvement!

Delay in Medicare Payment Updates for Outpatient Hospital Services: Because of programming problems, CMS informed Congress that it would not be able to implement the outpatient department payment rates scheduled to go into effect January 2002. CMS would have had to hold payments to hospitals and pay later, causing much disruption. Stark had joined all Chairmen and Ranking Members of the House Committees on Ways and Means, Energy and Commerce and the Senate Finance Committee to request that HHS delay the implementation of the 2002 rates. On Dec. 31, 2001, CMS published notice in the Federal Register announcing the delay.

Stark joined with other Democrats in requesting that the reductions in beneficiary cost-sharing for outpatient services scheduled to go into effect on January 1, 2002, and not be delayed along with the payment updates. As a result, CMS announced that they would implement cost-sharing reductions for beneficiaries on schedule.

The Medicare Mental Health Modernization Act: In April 2001, Stark and Senator Paul Wellstone (D-MN) introduced legislation (HR 1522) to expand Medicare's outpatient and inpatient mental health benefit.

The current benefit structure discriminates against people seeking treatment for mental health and substance abuse conditions. Medicare currently requires a 50% co-payment for mental health services instead of the 20% co-payment required for most other Part B medical services. Unlike all other inpatient services, there is also a 190-day lifetime cap on psychiatric hospital services. The Stark-Wellstone bill would eliminate the lifetime limit and reduce the co-pay to the 20% level enjoyed for other Part B medical services.

These discriminatory practices are compounded by a mental health benefit package that is generally outdated and inadequate. Over the past decade there have been tremendous advances in mental health diagnosis and treatment. At the same time, Medicare's mental health benefit package has remained virtually unchanged since the Medicare was enacted in 1965. To reflect the improved treatment options available for mentally illness, the Medicare Mental Health Modernization Act would allow beneficiaries to access a broad range of community-based residential and outpatient services.

Only 50% of seniors who need mental health services actually receive the services they need, in part because of the

shortages in mental health professionals. The Medicare Mental Health Modernization Act would expand the provider base by allowing social workers, mental health counselors as well as marriage and family therapists to bill Medicare directly for mental health services.

The Medicare Mental Health Modernization Act has 64 cosponsors in the House of Representatives and 8 cosponsors in the Senate.

**Medicare Critical Need GME Protection Act:** Stark introduced HR 1928 to provide the HHS Secretary with flexibility to adjust Medicare reimbursement for graduate medical education if solid evidence is presented that a shortage, or immediately pending shortage, is apparent for a particular specialty or subspecialty. Stark supports the Medicare policy that reduces payments for specialty training, but recognizes that there are instances when the Secretary might need flexibility to address shortages of particular types of doctors. This bill provides such flexibility to the Secretary of HHS.

**Medicare Coverage for Adult Day Care Services:** Stark joined with Rep. Jerry Kleczka (D-WI) to introduce legislation (HR 3585) that would allow Medicare home health services to be provided to eligible beneficiaries at adult day care centers. This legislation would improve quality of care for the patient and provide the ability for the primary caregiver to be out of the home while the patient was at an adult day care center.

**Medicare Hospital Investment Act (HR 2490):** For many years, Stark successfully worked to prevent health care providers from inappropriately profiting from referrals and recommended follow-up care. This year, Stark furthered those efforts by joining with Rep. Jerry Kleczka (D-WI) to introduce legislation closing a loophole in current federal law to ensure that physicians who have ownership stakes in boutique hospitals (for example, a cardiac care hospital) do not find themselves in a conflict of interest between financial gain and patient referrals.

**Disabled Workers Opportunity Act:** In 2001, Congress passed important legislation called the "Ticket to Work Act," which extended the length of time that a disabled Medicare beneficiary could maintain their Medicare coverage after returning to work to 8.5 years. Stark believes that we should fully support the efforts of disabled beneficiaries to return to the workforce. Therefore, he has introduced HR 481, a bill to allow disabled workers to permanently keep their Medicare coverage.

**Medicare Social Work Equity Act:** Rep. Stark continued his efforts to fix a problem from the Balanced Budget Act of 1997 that results in decreased access to social worker services in nursing homes. He reintroduced legislation (HR 2294) to fix the law so that social workers would be directly reimbursed by Medicare for providing clinical services to Medicare beneficiaries in nursing homes - as psychologists and psychiatrists are reimbursed for such treatment.

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## MEDICARE PRESCRIPTION DRUG COVERAGE

Congressman Stark had hoped that a Medicare prescription drug benefit could be enacted in 2001. While the Democrats and Republicans were far apart about how such a benefit should be structured, both sides agreed that a benefit was needed. President Bush had also campaigned for president on a pledge to create a Medicare drug benefit.

Unfortunately, Congress declared President Bush's first proposal, called "Immediate Helping Hand," a non-starter. This plan, outside the Medicare system, would have provided block grants to the states to expand state low-income drug assistance programs for seniors.

Stark opposed the effort to create a drug benefit apart from Medicare since seniors need comprehensive health coverage within the Medicare system. Nor were states eager for these block grants that would have shifted the obligation to fund and administer a drug benefit from the federal government to the states. Stark argued that current state drug programs cover only the low-income seniors but all seniors could use help with the high cost of drugs. Stark also pointed out that other state efforts to provide health coverage for children had not been successful. Six years after the enactment of Children's Health Insurance Program, a program the states actually wanted to administer, almost 10 million children are still without health insurance.

In July 2001, the Bush Administration announced a new Medicare initiative that would provide a Medicare-approved prescription drug discount card to seniors. Under this plan, Medicare would give certain drug discount cards a Medicare seal of approval. Medicare would then market these cards to beneficiaries for a \$25 a year fee. Seniors would only be allowed to own one of these new Medicare-approved cards. And, the Bush Administration claimed that the cards would provide savings to seniors of "10-25%" off retail prices they were paying today.

Stark raised immediate concerns with this proposal. First, Stark stated that the Administration had no legal authority from Congress to create such a program nor had the Administration followed appropriate administrative procedures in developing this initiative. More importantly, the plan was so loosely structured that there were no guarantee that seniors would see any real savings with these cards. Stark raised serious concerns that seniors might pay for these cards and get no savings for this expenditure.

Stark reached out to state regulators who have begun to regulate similar discount cards because of concerns that the cards advertised far greater savings than they actually provided. In a letter, Kansas Insurance Commissioner Kathleen Sebilius told Stark, "the most common complaint is that while the literature touts discounts upwardly of 40-60 percent, the discount is considerably less, often less than 10 percent." And she closes her letter with the adage that "what sounds too good to be true, remains too good to be true."

All of these concerns led Stark to join a lawsuit filed by the National Association of Chain Drug Stores and the Community Pharmacists that would enjoin the Bush Administration from moving forward with this drug discount card proposal. Stark filed an amicus brief in the case on August 7, 2001. In his statement announcing the filing of the brief, Stark said: "President Bush's program is designed to benefit the private industry, not those people entitled to benefits under Medicare and for whom Medicare was created. The program has been thrust on an unsuspecting public without Congressional action and merely serves to delay a meaningful and substantial prescription drug program for our senior citizens. That is why I so vehemently oppose the way this program was developed and why I am joining in this legal effort to block its implementation." In September 2001, the federal court agreed with the case brought forth by the drug stores and Stark and halted implementation of the Bush drug discount card program. Later in the year, the judge concluded that the Administration could move forward with a new prescription drug discount card proposal, but he required that they follow the appropriate Administrative Procedures Act requirements when announcing the new proposal. In addition, he made clear that plaintiffs in this case may return to court if they believe the Administration still has not met legal standards for developing the proposal. The administration is expected to come forth with yet another plan early in 2002.

In an effort to gather more information about the effectiveness of existing drug discount card programs, Rep. Stark along with other health care leaders in Congress asked the General Accounting Office to study of the existing programs and determine whether they provide a meaningful discount to participants. That full study is due in 2002, but a preliminary analysis of discount card programs in four different metropolitan areas found that their discounts were often less than 10% and that similar prices could often be obtained through on-line pharmacies or through retail drug stores in the community.

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## OTHER PRESCRIPTION DRUG INITIATIVES

Stark continued to pursue additional prescription drug initiatives to reduce the prices of prescription drugs for seniors.

**Fair Drug Prices for Seniors:** Stark cosponsored legislation (HR 1400) introduced by Rep. Allen (D-ME) and cosponsored by 120 colleagues that would require that prescription drug companies sell drugs to Medicare beneficiaries at a price equivalent to their average foreign sales price. This bill would end the ability of the pharmaceutical industry to reap excessive profit from American seniors for drugs while charging lower prices overseas. While this bill is not a substitute for a Medicare prescription drug benefit, it would immediately provide seniors lower prices for their medications.

**Direct To Consumer Advertising:** Direct to consumer advertising of prescription drugs is skyrocketing. In fact, drug companies' advertising budgets doubled between 1998 and 2000. This increase in advertising correlates with the increased prices of prescription drugs. In addition, doctors report that patients are difficult to dissuade when they have heard the glowing promise of a new drug advertised.

Stark introduced the Fair Balance Prescription Drug Advertising Act (HR 2352) that would deny tax deductions for drug advertisements that the Food and Drug Administration (FDA) found were unbalanced. More specifically, the legislation would require that such advertisements provide equal time for a radio or TV ad, or equivalent typeface in a print ad, for the pros and cons of the particular drug. If enacted, this bill would prohibit these companies from lauding the benefits of their drugs and then burying the often very serious side-effects in such tiny print that it is impossible for most people to read.

**Physician Gifts vs. Research and Development:** Pharmaceutical companies spend more than \$11 billion a year on marketing and promoting their products to physicians. They take physicians on trips, feed them fine meals, provide them tickets to sporting events, and do almost whatever they can think of to encourage them to prescribe their drug over those of their competitors.

Stark introduced the Save Money for Prescription Drug Research Act (HR 2641), in order to limit these expenditures and encourage the channeling of those dollars into medical research. The bill denies tax deductions to the drug companies for certain gifts and benefits (other than drug samples) provided to physicians by pharmaceutical manufacturers.

**Medicare Payment for Covered Prescription Drugs:** Medicare does cover a limited number of prescription drugs through the Part B benefit. These are drugs that are provided by a physician usually in their office and are most often drugs related to cancer treatment and chemotherapy. Stark has worked for years to refine the way Medicare pays for these drugs because the current payment methodology, called average wholesale price (AWP), results in drastic overpayment by Medicare for these medications. In addition to his concern that Medicare is overspending, there is evidence that indicates that doctors may make prescribing decisions based on their profit margins on the drugs rather than on what drug may be best suited for the patient.

This year, the GAO released a new report proving that the AWP system has resulted in vast overpayments. The report found that AWP is 13% to 23% greater, on average, than the actual costs charged to physicians. In some cases, the

spread between AWP and actual costs is as much as 86%. And, according to the Inspector General, the AWP abuses cost Medicare some \$1.9 billion annually.

This year the Justice Department also began to move forward with prosecuting drug companies for abuses of the AWP system. One such case resulted in a settlement with TAP Pharmaceuticals of \$875 million in fines - the largest criminal fine ever in health care fraud prosecution.

Stark has introduced legislation to halt this AWP abuse in past Congresses and, based on the findings of this new GAO analysis, he is developing additional legislation to introduce early in 2002.

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## THE MEDICARE+CHOICE PROGRAM

The Medicare+Choice (M+C) program was created as part of the Balanced Budget Act of 1997. Since its enactment, Stark has supported numerous consumer protection provisions to the Medicare+Choice program.

These plans are required to cover all of Medicare's benefits and have traditionally offered extra benefits to beneficiaries to entice them to join their plan. The most important of these extra benefits is a prescription drug benefit, but they have also offered benefits such as: reduced cost sharing, eyeglass coverage, hearing aides, and physical exams to name a few. They are able to offer these extra benefits because Medicare has historically overpaid these plans for the beneficiaries that they cover. Beneficiaries who join these Medicare + Choice plans give up their ability to go to the provider of their choice and are limited to the network of providers in that plan and the procedures that plan requires for their use.

The M+C program created a new payment methodology for Medicare HMOs and other private plans that chose to participate in Medicare. But each year since its enactment, there has been an exodus of plans from the program causing instability and confusion for seniors who had been in those plans. In both 1999 and 2000, Congress increased payments to M+C plans in order to try to stem their exodus from the program. Plans continue to argue that their payments must be increased yet again if they are to remain in Medicare.

In 2001, Stark commissioned a GAO study which found that while M+C payments increased by more than \$1 billion in 2001, few plans increased benefits, entered or re-entered areas, or expanded into additional service areas. In fact, 83% of plans didn't use the new money on benefits at all, instead using it to "stabilize networks," which translates into paying more to providers.

This year, while many M+C plans left the program, we began to see a new phenomenon. Plans remaining in the program are adjusting their benefits and cost-sharing structures in ways clearly designed to encourage people with certain conditions to leave their plan and to shift more costs to patients in general.

In Stark's Alameda County, CA district, plans are charging new hospital deductibles of up to \$400, new cost-sharing of

\$25 or more for dialysis treatment. (Plans previously charged nothing for this treatment which patients must have three times per week.) One plan reduced their drug benefit from \$1600 to \$1000 a year. Another plan changed their drug benefit so that it only covers generic medications.

In the Milwaukee, WI district of Jerry Kleczka (D-SI), one plan instituted a new \$295 copayment for each day of hospitalization!

The Medicare+Choice program was designed for beneficiaries to get additional benefits in exchange for a limited choice of providers. The benefit packages described above show that in some instances a Medicare beneficiary can now be worse off in a M+C plan than in traditional Medicare - even without a Medigap policy.

In response to these drastic changes in benefits and cost-sharing, Stark introduced the Medicare+Choice Consumer Protection Act (HR 3267). This bill would protect beneficiaries in M+C plans in the following three ways:

- Eliminating the so-called "lock-in" that begins in 2002 that will prohibit a Medicare beneficiary from leaving an M+C plan at any time of their choosing.
- Providing guaranteed issue Medigap protections to beneficiaries whose M+C plans reduce benefits, increase cost-sharing, or eliminate the patient's doctor or hospital from the plan. Such guaranteed issue protections exist for beneficiaries if their plans pull out of Medicare. But, if they change enough that they no longer meet the patient's needs, that patient must be protected to return to Medicare and purchase a protected Medigap policy as well.
- Prohibiting M+C plans from charging higher cost-sharing for a particular service than Medicare FFS charges for the same item. This would end the ability of M+C plans to use cost-sharing as a way to push sicker and costlier patients out of their plans.

While not solving solve all the Medicare+Choice problems, the bill would protect beneficiaries from many abuses occurring today. It is endorsed by numerous consumer advocacy organizations.

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## EXPANDING COVERAGE FOR THE UNINSURED

Stark continued his efforts to expand health insurance to the more than 39 million people who lack coverage in our country. The economic recession that began in March 2001 along with the terrorist attacks of September 11 led to increases in the number of people who lost their health insurance due to job loss. Particular Congressional attention was focussed on these people and that will continue to prove true in 2002.

**MediKids:** On May 3, Stark introduced the MediKids Health Insurance Act of 2001 (HR 1733). Sen. Rockefeller introduced a companion bill in the Senate. The bill would ensure that every child born in our country would be enrolled in a Medicare-type program, called MediKids, unless they had coverage elsewhere. The benefits would be tailored to meet

the needs of children and would include prescription drugs. The bill is endorsed by organizations advocating protections for children, including The American Academy of Pediatrics and the Children's Defense Fund.

Upon introduction of the bill, Marion Wright Edelman of the Children's Defense Fund said, "Your legislation reminds Congress, the Bush Administration, and the nation of the importance of insuring every uninsured child. Rhetoric about how we value children will ring hollow until we back it up with substance. Your legislation is the kind of substance essential to making our pledges to children ring true."

Stark believes that covering all children through MediKids can serve as a building block toward universal coverage for everyone in our country.

**COBRA Coverage Extension and Affordability Act:** On May 24, Stark joined with Rep. Moakley (D-MA) to introduce a bill (HR 2005) that would extend COBRA health insurance continuation coverage from its general limit of 18 months under current law to five years. Recognizing that older workers who leave the workforce often face impossible obstacles to getting affordable coverage in the individual marketplace, the bill would also allow people age 55 and over to maintain their COBRA coverage until they become eligible for Medicare. Finally, the bill would provide for a 50% refundable tax credit toward the cost of COBRA coverage to help offset the high cost for enrollees who must pay 102% of the premium. (COBRA costs average \$588 a month for a family coverage.)

The ability of a worker to remain in their previous employers' plan was especially important to Rep. Moakley who knew the value of continuity of care because he was suffering from cancer. Mr. Moakley died shortly after this legislation was introduced, but Stark continues to advocate the COBRA extension.

**Medicare Early Access and Tax Credit Act:** Stark was the original proponent of letting uninsured older adults "buy into" Medicare in a revenue neutral way. Former President Clinton adopted this proposal and urged Congress to enact it during his presidency. Stark introduced the latest version of this legislation (HR 1255) on March 27, 2001. The bill provides new insurance options for certain people age 55 through 64 or through a special COBRA continuation program for workers age 55 through 64 whose employers renege on their promise to provide retiree health coverage. This version also provides a 50% tax credit to help people with the expense of buying-in.

**Health Coverage for Displaced Workers:** The terrorist attacks of September 11 and the recognition that our country was in a recession led to a debate over how best to address the health care needs of displaced workers and their families.

Stark, along with other Democrats, advocated a 75% COBRA subsidy for displaced workers and block grants to the states to provide temporary Medicaid assistance to those who had lost their jobs and health insurance, but were ineligible for COBRA. The proposal also provided a temporary increase in the Medicaid matching rate to the states in order to help offset the states' growing budgetary concerns due to the economic downturn.

The Republicans floated a proposal that would provide a 60% refundable tax credit for people who had lost their jobs due to the economic downturn. Their tax credit could be used to buy COBRA continuation coverage or could be used to purchase insurance in the individual marketplace. Their proposal also included two block grant programs to the states to further expand coverage.

Stark argued that the 60% subsidy was not enough to make coverage affordable, given that the standard family policy today costs \$588 a month and a typical unemployment paycheck is only \$900 a month. Furthermore, the individual market is so unfair that anyone with preexisting conditions would be priced right out of it even with the subsidies. Stark pointed out that the Republican block grant proposals didn't have enough money in them and didn't even require that

those funds be used to expand health coverage.

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## PATIENTS' BILL OF RIGHTS

Stark continued to work for the enactment of a national Patients' Bill of Rights. He may have been the first member of Congress to introduce a package of managed care protections for consumers in the 104th Congress. In the 106th Congress, the House passed a strong Patients' Bill of Rights while the Senate passed a far weaker version. Stark served on the conference committee to iron out the differences between those two bills, but the conference committee failed to complete action before the Congress adjourned.

The situation changed in the 107th Congress when the Senate returned to Democratic control. Stark again cosponsored the Patients' Bill of Rights and the Senate actually passed a strong Patients' Bill of Rights in July 2001. The House then followed by passing a very weak version of the legislation in August.

The major remaining battle in the Patients' Bill of Rights is the issue of liability. Will health plans be held liable for the harm they cause. The House-passed bill had severe restrictions on that liability which Stark fears will make the law meaningless if enacted.

Though 2001 ended without resolution of these differences, Stark will push for enactment of a strong Patients' Bill of Rights in 2002.

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## ADDITIONAL HEALTH INITIATIVES

**Quality of Care for People in Assisted Living Facilities:** Stark reintroduced his resolution (HJ Res 13) calling for a White House Conference to study quality of care in assisted living facilities and to make recommendations on this issue. Stark wants to ensure that seniors are safe and secure in whatever long-term care home they choose. Under current law, there is no uniform regulation of assisted living facilities, leading to severe concerns about quality of care for residents. Stark was alerted to this problem by a constituent whose mother died in one of these facilities due to lack of proper care.

Stark provided written testimony to the Senate Aging Committee at a hearing to investigate problems with quality of care in assisted living facilities. He also wrote to President Bush urging him to convene a special White House Conference to provide national focus on this important issue.

**Protecting Quality of Care for Nursing:** Stark introduced bipartisan legislation (HR 3238) with Rep. Steven LaTourette (R-OH) to protect quality patient care and stem the growing shortage of nurses in our country. The legislation would strictly limit the use of mandatory overtime for nurses and is endorsed by every major organization representing nurses.

Upon introduction of the bill, Mary Foley, President of the American Nurses Association said, "ANA believes that your initiative to ban the use of mandatory overtime through Medicare provider agreements is appropriate because the abusive use of overtime contributes to poor patient care and therefore is a matter of public health safety."

**Contact Lens Prescription Release Act:** If you get an eyeglass prescription from an ophthalmologist or optometrist, you can take that prescription and get your eyeglasses from the provider of your choice. The FTC required such practice in the 1970s as it became apparent that eye doctors were profiting over charging high prices for eyeglasses that they prescribed for their patients.

Today, consumers face the same problem with contact lenses. The FTC has taken no action to require that contact lens prescriptions be made available to patients so that they can purchase from the provider of their choice. Stark has introduced a bill (HR 2663) that would require the release of these prescriptions. Purchase of lenses would require a valid prescription less than two years old to prevent concerns about quality of care.

**Gift of Life Medal of Honor:** Because of the shortage of available organs in this country, Stark introduced the Gift of Life Medal of Honor (HR 708) to provide a Congressional medal of honor for organ donors and their families. This legislation would honor the individual organ donors and their loved ones, and heighten awareness of the current organ shortage so that organ donations might increase.

**Mental Health Parity:** Stark worked closely with Senate colleagues and proponents in the House to advance mental health parity for everyone with private health insurance. The Senate included a strong mental health parity provision in their version of the Labor HHS Appropriations bill in 2001. Their provision required private health insurance to cover mental health services in the same manner they cover physical health care. The proposal did not apply to small companies. Employers were not required to cover any mental health coverage, but if mental health benefits were covered at all, they had to be covered equally.

Stark helped unite 224 members of the House in signing a letter to the Labor, HHS appropriators supporting inclusion of the Senate provision in the final bill. However, the Republican leadership in the House vehemently opposed the provision and it did not make it into the final bill. The opposition to this bill reveals the underlying prejudice toward the millions of individuals who suffer the painful consequences of mental illness.

Stark's fight for mental health parity will continue in 2002.

**Bringing Health Care into the Information Age:** In 1996, Congress passed legislation to enable health plans and health care providers to exchange information electronically. The Health Insurance Portability and Accountability Act (HIPAA) established a common electronic language for health care administrative functions such as submission of claims and enrollment in a health plan. These electronic standards are scheduled to go into effect October 2002. HHS estimates these administrative efficiencies will save nearly \$30 billion over ten years - savings that can be redirected toward improving health care quality and access to services.

Many health plans and providers, however, said they could not be ready by the October 2002 deadline. They argued that they needed more time to ensure a smooth transition to the new electronic environment. Other members of the health care system, hospitals in particular, said that they will be ready in time and are eager to reap the return on investments they have made in new technology and revised processes.

Stark was instrumental in crafting a meaningful compromise to address these concerns, the Administrative Simplification Compliance Act (HR 3323). This bill gives health plans and health care providers an extra year to implement the HIPAA electronic standards, provided they can outline how they will achieve compliance within that timeframe. They must describe their budget and work plans and they must allow at least six months for testing the new standards. These requirements will help assure that the plans and providers can not come back next year and argue for another delay because they are still not ready.

Congress overwhelmingly passed this legislation and it was signed into law.

## Social Security (top)

Stark advocated for full funding of the Social Security trust funds and for preserving the Social Security's retirement and disability safety net that has functioned so well for generations. Stark has consistently fought against Republican attempts to undermine the Social Security safety net through privatization of the program.

## Social Security Reform

Stark voted for H Con Res 282, Keeping the Social Security Promise Initiative, which passed the House. This resolution put most Democratic and Republican Members of Congress on record as opposing Social Security benefit cuts when reforming the program. Since all proposed privatization plans would reduce guaranteed Social Security benefits, Republicans, if they stand behind their vote on the resolution, would not support these privatization proposals.

## Obstacles that Women Have in Achieving Retirement Security

Stark cosponsored H. Res. 128, a resolution that recognizes the unique problems that Social Security reform proposals could have for women. This resolution acknowledges that women's traditionally lower wages and time out of the workforce as family caregivers create obstacles to ensuring retirement security, and survivor and disability coverage. The resolution stresses the essential role that Social Security plays in guaranteeing inflation-protected financial stability for older women and it expresses the sense of the House of Representatives that the Congress and the President should take these factors into account when considering proposals to reform the Social Security system. The House has not acted on this resolution.

## Pension Offset and Windfall Elimination Provisions

Stark cosponsored HR 2638, which would repeal the Social Security government pension offset and windfall elimination provisions. These provisions now reduce the Social Security benefits of spouses, widows or widowers if they also receive a government pension or did not work enough years in a Social Security covered job. Congress has not acted on this legislation.

## Consumer Price Index for Elderly Consumers

Stark cosponsored H.R. 2035, the Consumer Price Index for Elderly Consumers Act. If enacted, this bill would direct the Bureau of Labor Statistics of the Department of Labor to prepare and publish a monthly Consumer Price Index for Elderly Consumers (CPI) that indicates changes over time in expenditures for consumption which are typical for individuals aged 62 years or older. Once enacted, the new CPI could be used to increase Social Security and Medicare benefits. Congress has not acted on this resolution.

## Job Training for Disadvantaged Seniors

Stark wrote to the members of the House Labor, HHS and Education Appropriations Subcommittee requesting a \$40 million increase in funding for the Senior Community Service Employment Program (SCSEP). This program provides job training to disadvantaged, low-income older Americans. The appropriations committee responded with a more modest \$5.1 million increase in the funding for FY 2002.

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## Education (top)

Stark supported increases in federal support for education to reduce class size, modernize schools, and fund commitments to increase subsidies for education of children with disabilities. He also voted to hold schools accountable to use these funds to achieve measurable improvements in their systems.

## Education Funding and Accountability

Stark voted for HR 1, the No Child Left Behind Act of 2001, which passed the Senate and the House and was signed into law. This law calls for an additional \$5.5 billion in resources in Fiscal Year 2002 for elementary and secondary education. It maintains our nation's commitment to education programs for disadvantaged students, after-school programs and school safety programs. The law creates a strong school accountability system by providing new funds for states to develop statewide educational standards and standardized tests. This law also provides almost \$2 billion in new resources for teacher training, recruitment and class size reduction. Controversial school vouchers and block grant proposals were not included in the final bill.

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## After School Education Enhancement

Stark cosponsored the After School Education Enhancement Act (HR 419), which would extend to five years the amount of time that schools could get grants from the 21st Century Community Learning Centers Program. Congress has not acted on this legislation.

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## Staff Recruitment and Training

Stark cosponsored HR 466, which would direct the Secretary of Education to make grants to local educational agencies for the recruitment, training, and hiring of 100,000 individuals to serve as school-based resource staff. Congress has not acted on this legislation.

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## Grants for Gifted and Talented Programs

Stark cosponsored the Gifted and Talented Students Education Act of 2001 (HR 490). The bill would authorize the Secretary of Education to make grants to states for use by public schools to develop or expand gifted and talented education programs through professional development programs, technical assistance, innovative approaches and emerging technologies, including distance learning. Congress has not acted on this legislation.

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## Additional Funding for Pell Grants

Stark cosponsored the Pell Grant Full Funding Act (HR 589). The legislation would require that if FY '02 and FY '03 appropriations are insufficient to fully satisfy all Pell Grant entitlements, then a supplemental payment for college expenses would be made based on student financial needs. Congress has not acted on this legislation.

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## Additional Funding for Education of Children with Disabilities

Stark cosponsored the Mandatory IDEA Full Funding Act of 2001 (HR 737). If enacted, this bill would authorize funding to reach the federal government's goal of providing, by 2006, 40% of the national average per pupil expenditure for education of all children with disabilities. Past Congresses had committed to fund the program at 40% of the national average per pupil expenditure (APPE) for education of all children with disabilities but had failed to fund that commitment. The 2002 appropriations bill increased the funding by \$1.2 billion (\$8.7 billion for FY 2002), which is 15.5% of the APPE.

Stark also wrote a letter with other Members of Congress to Chairman Boehner and Ranking Democrat George Miller of the Education Workforce Committee to support full funding for Individuals with Disabilities Education Act.

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### Increase Safety in Communities and Drug-Free Schools

Stark cosponsored HR 970, which would amend the Safe and Drug-Free Schools and Communities Act of 1994 to provide comprehensive technical assistance and implement prevention programs that meet a high scientific standard of program effectiveness in our schools. Congress has not acted on this legislation.

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### Grants to Hire Teachers and Reduce Class Size

Stark cosponsored HR 1036, which would establish grants to help States and local educational agencies recruit, train, and hire 100,000 additional teachers over a seven-year period. These new teachers could help reduce class sizes nationally in grades one through three and improve teaching in the early grades so that all students could learn to read well by the end of the third grade. Congress has not acted on this legislation.

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### Public School Modernization

Stark cosponsored the America's Better Classroom Act of 2001 (HR 1076). If enacted, this bill would provide \$25 billion in interest-free funds to state and local governments to finance public school construction and modernization projects. This legislation is essential to meet the growing need for school construction caused by the growth in school enrollment and decaying infrastructure. Congress has not acted on this legislation.

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### Shifting Additional Education Resources to California

Stark and other California Members of Congress wrote to Chairman Ralph Regula of the House Labor, HHS and Education Appropriations Subcommittee requesting that his committee change the education funding formula, so that California gets its fair share of funding. Currently, the Education for the Disadvantaged (Title I) funding formula underfunds California schools since current law does not allow states to get less funding than historic levels even if they have fewer school children in their schools. In a high population growth state such as California, this formula results in California children getting disproportionately less funding than children in states that have low population growth. No such change has occurred as of this time.

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## Environment (top)

Stark continued his efforts in 2002 to protect and preserve our environment for future generations. He opposed offshore drilling, and supported clean up efforts for brownfields, conservation and expansion of protected wilderness areas. He worked to assure that safe drinking water standards were not scuttled by the Bush administration.

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**Off-Shore Drilling** Stark cosponsored HR 1066, a bill to protect America's coastlines from the adverse effects of offshore oil and gas development. Congress has not yet acted on this bill.

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## Cleaning up Brownfields

Stark cosponsored HR 2064, a bill to increase private investment in cleaning up contaminated brownfields properties and redeveloping such properties to make them safe for the environment. Although the House failed to act on this bill, the Congress did pass a similar bill, HR 2869, with Stark's support.

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## Wilderness Protection

Stark is a strong supporter of preserving open space and cosponsored several bills to protect natural lands from being developed. He cosponsored HR 770, the Morris K. Udall Wilderness Act of 2001, which would designate specified lands in Alaska as wilderness. He also cosponsored HR 1613, a bill to designate more than nine million acres of land in Western Utah as permanent wilderness.

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## Arsenic

Stark was infuriated by the Bush Administration's initial decision to end a Clinton Administration regulation that would reduce the level of arsenic in drinking water. Rep. Stark cosponsored HR 1413, the Get Arsenic Out of Drinking Water Act, and wrote a letter to the President asking him to reconsider his decision. After pressure from Stark and other Members of Congress, the Bush Administration reversed their decision and allowed the Clinton arsenic regulations to stand.

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## Land and Water Conservation

Stark cosponsored HR 701, the Conservation and Reinvestment Act. This bill provides full funding for the Land and Water Conservation Fund (WCF) and provides new funds for wildlife conservation, historic preservation and urban parks and recreation. This bill was reviewed by a House committee but has not yet been considered by the full House.

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## Global Warming

Stark is very concerned about the harmful consequences of global warming and is a strong supporter of bills to help address this pending environmental crisis. He is a cosponsor of HR 1256, a bill to require factories with large emissions of gasses and harmful toxins to meet efficiency and clean air standards. The House has not acted on this bill.

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## Forest Protection

Stark cosponsored HR 1494, the National Forest Protection Act. This bill would reduce the deficit, cut corporate welfare, protect communities from wildfires, and protect and restore America's natural heritage by eliminating ecologically destructive commercial logging program on federal lands. The bill also would restore native biodiversity in our federal public forests and facilitate the economic recovery and diversification of communities affected by the federal logging program.

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## Sudden Oak Death

Stark signed onto November 16, 2000 letter asking for \$2.1 million to study causes of sudden oak death. On January 19, 2001 Secretary of the Interior, Dan Glickman's office gave notice that the request was granted. (See also UNIQUE ISSUES for the 13th CD.)

## Children and Families (top)

As a Member of the Ways and Means Human Resources Subcommittee, Stark strenuously advocated on behalf of children to create policies and practices to nurture them and shield them from the effects of poverty and abuse. He promoted programs to improve the quality of child care and to recognize the importance of caregivers in our society. Stark will play a large role in 2002 in the reauthorization of the Temporary Assistance for Needy Families (TANF) program.

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## Reauthorization of the Temporary Assistance for Needy Families (TANF) Program (WELFARE)

A specific Stark goal is to amend the TANF Act to ensure that reducing child poverty is an explicit goal of the program. Right now, that is not the case. Stark believes that the 1996 Act seeks to reduce welfare rolls without concern for whether those families ascend out of poverty or not. To this end, Stark introduced the Child Poverty Reduction Act (HR 2166). This legislation would make the reduction of poverty an explicit goal of TANF and would also provide a \$150 million annual high performance bonus grant to states that reduce child poverty. A companion bill (S 1027) was introduced by Senators Schumer and Wellstone. Congress has not acted on this bill. However, two larger Democratic TANF reauthorization bills (HR 3113 and HR 3625) have incorporated the language of the Child Poverty Reduction Act. Stark is a cosponsor of both of those bills. Stark commissioned the General Accounting Office with Representatives Ben Cardin, Sander Levin and Robert Matsui to carry out a study to examine the effects of the 1996 Welfare Reform has had on low-income disabled individuals. The study was completed in November 2001. The study found that:

- Forty-four percent of TANF recipients reported having physical and mental impairments, a proportion three times as high as among adults in the non-TANF population. Twenty percent of TANF recipients with impairments also reported working full or part-time in 1999, compared with 44% of TANF recipients not reporting impairments.
- Almost all of the county TANF agencies say they screen TANF recipients for mental and physical impairments and three-fourths screen for learning disabilities. However, most of this screening relies entirely on self-disclosure.
- One third of responding counties reported that on average 43% of their recipients with impairments were receiving services to move them toward employment.

Stark used the findings to support the need for the additional reforms included in the House Ways and Means Comprehensive Democratic TANF Rauthorization bill, H.R. 3625, the Next Step in Reforming Welfare Act. If enacted, these reforms would:

- Require states to assess the employability of a recipient by considering whether they have physical and mental impairments, proficiency in English, child care needs, and whether the recipient is a victim of domestic violence.
- Require states to give TANF recipients an opportunity to meet with their caseworkers before they are sanctioned and to mandate that caseworkers must adequately screen for physical, or mental impairments, domestic violence, or limited proficiency in English as a factor for non-compliance.
- Establish a new employment advance fund that provides a \$150 million over 5 years for states to help TANF recipients who suffer from barriers to work and to improve the wages of the poor. Forty percent of this funding would go to TANF recipients who suffer from barriers to work.
- Allow rehabilitative services to be counted as a work activity for up to 6 months. These services include substance

abuse treatment, domestic violence counseling, and physical rehabilitation and mental health services.

- Require states to report if the head of a welfare household suffers from a significant physical or mental impairment.

As part of his work to help TANF recipients that confront barriers to enter the workforce, Stark cosponsored H.R.3113, TANF Reauthorization Act of 2001 to amend the Temporary Assistance for Needy Families program (TANF). This bill would extend the TANF program through FY '08 and modify it to include more education and skill development, which is needed to get out of poverty. The bill incorporates safeguards in the sanctions process including the protection of children from sanctions imposed by states. If enacted, the bill would give proper credit for compliance with program requirements like training and education, and for care-giving or addressing work/life barriers such as domestic or sexual violence, mental illness, substance abuse, or disability. Additionally, the bill would remove the 20% cap on the number of families who can be excused from the 5-year life time limit due to hardships. Congress has not acted on this legislation.

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#### Stark Bill to Improve the Quality of Child Protection Services

Stark introduced the Child Protection Services Improvement Act (HR 1371). This bill would provide \$500 million over five years for grants to State child welfare systems to improve quality of child welfare workforces and to authorize the forgiveness of loans made to certain students who become child welfare workers. Congress has not yet acted on this legislation. To build empirical evidence for HR 1371, Stark, along with Representative James Greenwood, commissioned the General Accounting Office to examine problems in the child welfare workforce and how problems affects the safety and well-being of children served in the child welfare workforce. That report is due in 2002.

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#### Memorial to Remember Children Lost to Violence

Stark cosponsored H Con Res 98, a resolution establishing a National Children's Memorial Flag Day. This resolution, first proposed by Gail Steele, Vice President of the Alameda County Board of Supervisors, encourages national, state, and local agencies and private organizations to fly the Children's Memorial Flag to remember children lost to violence and to raise public awareness about the continuing problem of violence against children. Stark worked with the House Republicans to change the resolution language so that they would support the resolution. This new resolution, H Con Res 110, passed the House and was forwarded to the Senate.

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#### Development and Appreciation of Child Care Workers

Stark cosponsored H Con Res 115, a resolution which supports the goals and ideas of National Child Care Worthy Wage Day (May 1, 2001) and urges public officials and the public to honor early childhood care and education staff and programs in their communities, and to work together to resolve the early childhood care and education staff

compensation crisis. Congress has not acted on this resolution. Stark also cosponsored the Focus On Committed and Underpaid Staff for Children's Sake Act (HR 1650). This bill would establish the grants for child care provider retention and development and for child care provider scholarships. Congress has not acted on this legislation.

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#### Coordination of Child Welfare and Substance Abuse Efforts

Stark cosponsored H.R. 265, the Child Protection/Alcohol and Drug Partnership Act of 2001 (HR 1909). This bill, if enacted, would create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies. These joint activities would increase the capacity of both the child welfare system and the substance abuse prevention and treatment system to help families improve child safety and enhance family stability, and also to promote recovery from substance abuse problems. Congress has not acted on this legislation.

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#### Affordable Quality Child Care

Stark cosponsored the Right Start Act of 2001. If enacted, this legislation would increase the availability and affordability of quality child care and early learning services by increasing funding to the Child Care Development Block Grant (CCDBG), the Head Start program and the Early Learning Opportunities Act. The legislation also would amend the Family and Medical Leave Act of 1993 to extend coverage to employees at worksites where the employer employs at least 25 (currently 50) employees at the worksite and within 75 miles of that worksite. Congress has not acted on this legislation. Stark also cosponsored the Child Care Quality Incentive Act of 2001. Because there is such a need for quality child care, this legislation would provide grants to improve the quality of child care.

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#### Investment in Child Health, Welfare and Education

Stark cosponsored HR 1990, the Leave No Child Behind Act of 2001, a comprehensive approach to improving care for children in our country. It would make a massive investment to help the development and growth of our nation's children. If enacted, this bill would provide health insurance for all children, paid parental and medical leave for parents, improve social services to children, and increase funding and improve services for early childhood, elementary and secondary education programs. Congress has not acted on this legislation.

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#### Unemployment Insurance

Seeing the harsh impact of the recession on many families, Stark pushed to increase unemployment compensation. He cosponsored H.R. 3020, the Temporary Unemployment Compensation Act of 2001, which would temporarily extend the length of time a worker can receive benefits from 26 weeks to 39 weeks; temporarily enhance the benefit by 15% from \$250 to \$287; and create new, temporary benefits for others who do not qualify now.

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#### Modernization of Supplemental Security Income (SSI)

Stark cosponsored the SSI Modernization Act of 2001 (HR 739). This legislation would make adjustments to liberalize the program eligibility and income determination requirements for Supplemental Security Income recipients so that they would not be penalized by modest income increases, the receipt of a scholarship or other sporadic income. Congress has not acted on this legislation.

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#### Investigation of Custody Practices for Children with Mental Illness

Stark commissioned the General Accounting Office with Representative Patrick Kennedy to carry out a study to examine the reasons why child welfare agencies and juvenile justice agencies require parents to relinquish custody of their emotional, behavioral and mentally ill children so that their children can receive public mental health services. The study should be completed in 2002.

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#### Improving Child Nutrition

Stark, along with the Congressional Progressive Coalition, wrote Chairman Larry Combest of the House Agriculture Committee to ask for improvements in the Food Stamp Program. In response, the House Farm Bill provided \$3.6 billion over 10 years to improve the Food Stamp program.

#### Women's Issues (top)

Stark consistently voted to preserve a women's right to choose and to support overseas family planning programs.

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## FEHBP Contraceptive Coverage

President Bush's FY02 budget request recommended elimination of FEHBP contraceptive coverage. Although Congressman Stark wrote to Chairman Istook urging him to retain contraceptive coverage for federal employees in the Treasury-Postal appropriations bill, the original House bill did not continue FEHB contraceptive coverage. Rep. Lowey then offered an amendment to continue FEHBP coverage, which passed, paving the way for the final bill to continue FEHBP contraceptive coverage in 2002.

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## Unborn Victims Of Violence Act (UVVA)

Stark opposed this bill (HR 503) that would create new federal crimes for bodily injury or death of an "unborn child" in utero. UVVA is a deceptive attempt to erode Roe vs. Wade by legislatively defining when life begins. In April 2001, the House passed the bill by 252-172. The Senate has not taken up this bill. As an alternative, Congressman Stark supported Rep. Lofgren's Substitute, which strengthens punishments for crimes against pregnant women without weakening a woman's right to choose. The Lofgren Substitute failed to pass the House.

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## The Global Gag Rule

Stark supported efforts by Reps. Lowey and Lee, and Senator Boxer to overturn the Global Gag Rule reimposed by President Bush but their efforts were unsuccessful in the FY '02 Foreign Operations conference agreement. The Global Gag Rule prohibits the US Agency for International Development from granting family-planning funds to any foreign non-governmental organization unless it agrees not to use its own private, non-US funds for abortion services, advocacy, counseling or referrals to a legal abortion provider.

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## United States Agency for International Development (USAID) and United Nations Population Fund (UNFPA)

Stark wrote to President Bush urging him to continue the commitment to USAID and UNFPA in FY '02 by funding USAID family planning programs and the US contribution to UNFPA at levels of \$524 million and \$35 million respectively. Unfortunately, the Conference report for FY '02 Foreign Operations appropriations included \$446.5 million in funding for USAID population assistance program, no more than the amount requested in the President's budget. And although the conference report funded UNFPA at \$34 million, President Bush froze all UNFPA money.

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## Protection for Domestic Violence

Stark was an original cosponsor of the Domestic Violence Victim Protection Act (HR 3595), which seeks to reduce violence in domestic relations. The House has failed to act on this and all other domestic violence bills listed below.

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## Legal Assistance for Victims of Dating Violence

Stark also cosponsored legislation (HR 3193) that would expand the Violence Against Women Act of 2000 (VAWA) to include legal assistance for victims of dating violence.

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## Women Immigrants' Safe Harbor Act (WISH)

Stark cosponsored the WISH Act (HR2258), which would provide a safe harbor for legal immigrants, and their children who are victims of domestic violence. If enacted, this bill would allow immigrant women and their children to get health insurance, food, and other assistance until they are out of harm's way.

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## Condemning Acts of Domestic Violence Committed Against Women's Health Care Providers

Stark cosponsored a concurrent resolution (H Con Res 285) condemning the 500 anthrax threats sent to reproductive health centers since October 14, 2001. The resolution also urges the Bush Administration, local law enforcement, and other government related agencies to make their best efforts to bring all those who commit acts of domestic terrorism to justice.

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## Violence Against Women Office

Stark wrote to Attorney General Ashcroft urging him to appoint a director to the Violence Against Women Office (VAWO) within the Department of Justice, also bringing his attention to the Violence Against Women Office Act, which would make the VAWO office permanent at DOJ.

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## National Domestic Violence Hotline

Stark wrote to Chairman Regula and Ranking Member Obey of the House Committee on Appropriations asking them to support additional funding of \$652,500 for the National Domestic Violence Hotline. Created under the Violence Against Women Act of 1994, the Hotline provides callers nationwide with crisis intervention.

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## Family Planning in Medicaid

Stark wrote to Health and Human Services Secretary Thompson encouraging him to reconsider his decision to deny requests by states to expand family planning services in the Medicaid program.

Stark cosponsored the Family Planning State Empowerment Act of 2001 (HR 2777), which would allow states to extend family planning services through Medicaid without applying for a federal waiver. California would lose over \$100 million annually in federal matching funds if the waiver were not extended in 2004.

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## United Nations Convention on the Elimination of All Forms of Discrimination Against Women

Stark cosponsored a resolution (H Res 18) urging the Senate to ratify the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Stark also wrote to Secretary Powell urging him to recognize the broad support CEDAW has across the United States when advising President Bush policy as it applies to the treaty.

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## Support for Afghan Women's Rights and their Efforts to Rebuild Afghanistan

Stark wrote to President Bush urging him to make every effort to include the women of Afghanistan in the processes of reconstruction and redevelopment efforts in their country.

Stark cosponsored the Access for Afghan Women Act, which encourages the United States Department of State and the United States Agency for International Development (USAID) to ensure that Afghan women's political, economic and social rights are recognized when the US gives aid to Afghanistan.

Stark cosponsored a resolution that calls on the Bush Administration to ensure that the post-Taliban government will protect the human and civil rights of Afghan women and to provide that women are included in any Afghan government. The resolution also commends the work of organizations led by Afghan women who continue to provide education, health and relief services during the crisis.

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## Sheltering Women from Gender-Related Violence and Persecution

Stark cosponsored legislation (HR 544) that would require the Attorney General to promulgate regulations relating to gender-related persecution, including female genital mutilation, for use in determining an alien's eligibility to receive asylum or withholding of deportation.

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## Fairness for Women in the Workplace

Stark wrote to Secretary Chao opposing the Department of Labor's plan to eliminate funding for regional Women's offices. The Administration reversed its decision and is keeping regional offices open as a result of protests from women's organizations and Members of the Congress.

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## Capitol Art Exhibits Display American Women's Contributions

Stark cosponsored a resolution ( H Res 106) that expresses the sense of the House of Representatives that the artwork in the Capitol, the Capitol Visitors Center, and the House office buildings should represent the contributions of women to American society.

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## Energy (top)

### California Energy Crisis

Stark joined his California colleagues in cosponsoring a bill to establish cost-based rates (the cost of generation plus a reasonable profit) for wholesale electricity sales in the western United States. In addition, the bill calls for retroactive refunds for charges above cost-based rates. These refunds will be issued to California consumers who have incurred exorbitant debt due to the unjust charges. Stark will work with his colleagues to see this legislation enacted.

Stark urged President Bush to support Governor Davis's request on wholesale rates, investigate the allegations of overcharges, and act to prevent a dysfunctional electricity market from damaging California residents.

Stark, along with other western states Members of Congress, also wrote to Secretary Abraham stating that the FERC price mitigation was of limited use for California and not even offered to other western states. The letter supported real cost-of-service based rates in the West imposed by administrative action or through legislation. The letter called upon FERC to uphold the law and restore just and reasonable rates. Finally, the drafters of the letter asked that the Secretary consult with them prior to the Energy Task Force's final recommendation. The Secretary never did consult with the members expressing concerns about energy policy.

Stark cosponsored the Energy Price and Economic Stability Act of 2001, which instructs the Federal Energy Regulatory Commission (FERC) to implement short-term cost-of-service based energy rates.

This legislation would sunset on March 1, 2003. If enacted, this bill would exempt new generation facilities from the rate limits in order to encourage new energy generation. If FERC ignores the will of Congress as expressed by this resolution, then states would have the right to appeal to federal courts.

The GOP leadership refused to allow a floor consideration of this bill so Stark signed a discharge petition to force a floor vote. To date, there are not enough signatures on this petition to require a discharge.

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Methyl Tertiary Butyl Ether (MTBE)—Clean Air and Clean Water

Stark joined his California colleagues in a letter to the Administrator of EPA requesting a waiver from the 2 percent MTBE oxygenate requirement in gasoline. EPA denied the request stating that California failed to show sufficient cause to receive a waiver. The EPA's decision benefits the ethanol producers who will be able to help California meet the requirement by providing refiners with the corn-based fuel. However, ethanol is expected to drive up the cost of gasoline in California.

Stark, along with the entire California delegation, introduced HR 2270, a bill to amend the Clear Air Act to allow California to phase out the use of MBTE as a gasoline additive. In the current formulation, MTBE is contaminating drinking water across the State. A phase-out of MTBE would permit California to achieve federally mandated clean air standards without raising gas prices and without contaminating our drinking water.

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#### LIHEAP Funding

Stark cosponsored a resolution (H Res 300) expressing the sense of the House of Representatives that President Bush should release emergency funding under the Low-Income Home Energy Assistance Program (LIHEAP) due to the recession and the spike in unemployment. The resolution language was included in the Fiscal Year '02 Labor, Health and Human Services Appropriations conference report and enacted into law. (See also CONSUMER PROTECTION.)

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#### Transportation and Airline Security (top)

#### New San Francisco-Shanghai Route Established

Stark wrote to Secretary of Transportation supporting United Airlines's competitive request to operate daily non-stop service from San Francisco to Shanghai providing a direct route for commerce and tourism. United was granted the route and service began on April 1, 2001. This new route offers tremendous economic benefits to consumers, businesses and communities in California.

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## Airport Noise Mitigation

Stark is an original cosponsor of the Quiet Communities Act of 2001 (HR 1116). The bill would re-establish the Office of Noise Abatement and Control (ONAC) at the Environmental Protection Agency. The ONAC was critical to effectively mitigating aircraft noise because the EPA consistently advocated stricter methodologies of noise measurement and the implementation of noise abatement programs nationwide.

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## Airline Bailout

Stark opposed HR 2926, the airline bailout bill. The bill gave \$5 billion to the airline industry to cover the immediate incremental losses from the shutdown of U.S. airspace on September 11, 2001 although the Joint Economic Committee estimated that, at most, the industry had lost \$1 billion due to the shutdown. The bill also gave an additional \$10 billion in loan guarantees for the industry. The airline industry workers didn't fare nearly as well. While limited severance packages were included for those airline executives making over \$300,000 to \$600,000, nothing was included in the package for the regular airline workers. Congress passed this bill and it was signed by the President on 9/22/01.

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## Air Line Security

Stark supported to S 1447, the Conference Report on Aviation & Transportation Security Act, which was signed by the President. This Act makes the federal government directly responsible for all passenger and baggage screening,

requiring that all screeners be federal employees. However, the Act allows airports to return to private contractors for screening three years after enactment.

The Act requires that all baggage screeners be US citizens, which Stark opposed. Stark advised the bill conferees that it would be less discriminatory to require baggage screeners to be legal permanent residents since legal permanent residents are allowed to join our armed forces and are employed in various occupations across the US, including in our airports and airlines. Conditioning employment on US citizenship effectively makes legal permanent residents a suspect class even though they contribute to the fabric of our nation on a daily basis.

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## Foreign Affairs and Peace (top)

Stark supported international peace efforts that would enhance freedom and justice abroad. He pushed for economic justice, religious freedom and worker rights, and promoted public health and hunger relief initiatives abroad.

## Diamonds

Stark was an original cosponsor of HR 918 and HR 2722, bills to restrict the sale of certain “conflict diamonds.” Conflict diamonds are diamonds used by African rebels and dictators to finance military activities that subvert international efforts to promote peace and stability. The bills would impose import restrictions and enforcement provisions on conflict diamonds and provide requirements on legal trade diamonds in order to distinguish conflict diamonds from non-conflict diamonds. The United Nations Security Council has prohibited states from importing diamonds from and exporting weapons to certain countries affected by diamond-related conflicts. Parts of these bills, including the prohibition of funding from the Export-Import Bank for trade in conflict diamonds, were included in the Foreign Operations appropriations bill PL 107-115. (See also TRADE.)

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## Debt Relief for Heavily Indebted Poor Countries (HIPC)

Stark wrote a letter to Treasury Secretary “Neill in support of debt relief for heavily indebted poor countries, and encouraging reforms to the HIPC initiative. Secretary “Neill responded positively to these recommendations, supported them in G-7 summit, and reforms were adopted at conclusion of Summit. Congress provided an additional \$244 million in further bilateral debt relief in Foreign Operations Appropriations FY “02 bill, PL 107-115.

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## International Tuberculosis Programs

Stark signed letter to appropriators in support of funding for programs combating tuberculosis. Members of the appropriating committees agreed and appropriated \$75 million for efforts to treat and combat the spread of tuberculosis.

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## Hunger Prevention

Stark cosponsored H. Con. Res.102 , a resolution expressing the Sense of Congress that the US should support efforts to reduce hunger and poverty in Sub-Saharan Africa. This resolution passed the House 400-9 and now moves to the Senate for consideration.

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## Afghanistan

Stark cosponsored a resolution condemning an initiative by the Taliban to register and force Hindus to wear badges indicating their background. This resolution passed the House 420-0.

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## Burma/Myanmar

Stark cosponsored a resolution commending Daw Aung San Suu Kyi for winning the Nobel Peace Prize for her efforts to protect human rights in Burma. This resolution passed the House 420-0.

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## Colombia

Stark wrote to President Pastrana urging him to protect labor leaders from assassination and harassment. Pastrana replied indicating that he will continue to try to improve protections for Social and Labor Union leaders. (See also [LABOR](#).)

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## East Timor

Stark wrote to Secretary of State Colin Powell urging him to pressure the Indonesian Government to allow East Timorese refugees held captive in West Timor to return to their homes. The State Department replied indicating that they would continue to pressure the Indonesian Government to facilitate the return of the refugees.

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## El Salvador

Stark cosponsored H. Con Res. 41, expressing sympathy for the victims of the earthquakes that destroyed much of the country in January of 2001. This resolution passed the House 405-1 and was referred to the Senate.

## India

Stark also cosponsored H. Con. Res. 15, expressing sympathy for the victims of the earthquakes that struck India in January of 2001. This resolution passed the House by 406-1 and is awaiting action by the Senate.

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## Israel/Palestine

Stark cosponsored H. Res. 99, urging Iran and Syria to allow Red Cross workers to visit three kidnapped Israeli soldiers being held by Hezbollah in Lebanon. This resolution passed the House 379-0.

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## Iraq

Stark wrote to Secretary Powell to support lifting the sanctions on economic and humanitarian goods into Iraq. The State Department reply indicated the administration's support of this initiative.

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## Lebanon

Stark also wrote to Secretary Powell urging him push for the withdrawal of Syrian troops in Lebanon. The State Department response expressed the administration's support of long standing US policy of an independent sovereign Lebanon without foreign occupational forces.

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## Mexico

Stark wrote to the local labor-business board in Puebla, Mexico, urging them to recognize independent labor unions seeking to represent laborers in the factory. In August, 2001, the Kukdong Garment company agreed to formulate a new contract with the employee-supported union.

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## Sudan

Stark wrote to President Bush urging the establishment of a Special Envoy to the Sudan. In September 2001, President Bush appointed Former Senator John Danforth fill this post.

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## Taiwan World Health Organization Resolution

Stark was an original cosponsor of a bill (HR 428) to authorize the Secretary of State to initiate a US plan to endorse and obtain observer status for Taiwan at the annual week-long summit of the World Health Assembly. The bill became law on May 28, 2001.

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## Columbia

Paramilitary organizations seeking to defend the illicit drug trade in Columbia have threatened and assassinated labor activists in Columbia. Stark joined other House Members in a letter to the President of Columbia asking for an investigation into the deaths of union activists who worked diligently to bring fair and legal trade practices to a country whose primary export is now cocaine. (See also [TRADE](#).)

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## Science (top)

### Terascale Computing

Stark wrote to the National Science Foundation in support of the Distributed Terascale Facilities Program. This program would create a computer across several cities capable of performing TeraFLOP operations with the first computer of its size in the world. As an illustration, if a computer this size had existed five years ago, it could have mapped the human genome code in half the time it took existing computers to complete this task.

## Arts and Humanities (top)

### Full Funding for the Arts

Stark supported an amendment to increase the budgets for the National Endowment for the Arts (NEA), the National Endowment for the Humanities (NEH) and the Institute of Museum and Library Services. The amendment passed the House by a narrow margin. The FY 2001 conference agreement provides \$5 million more for NEH and nearly \$.5 million for NEA from FY 2000 levels.

## High School Arts Competition

Stark along with the Hayward Arts Council sponsored the 1999 & 2000 High School Arts Competition in which over 25 schools in the 13th CD submitted entries.

## Consumer Protection (top)

### Credit Cards for College Students

Stark cosponsored HR 184, a bill to prevent credit card issuers from taking advantage of full-time, traditional-aged college students and to protect parents of college student credit card holders. Congress has not acted on this bill.

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## LIHEAP Funding

Stark cosponsored a resolution (H Res 300) expressing the sense of the House of Representatives that President Bush should release emergency funding under the Low-Income Home Energy Assistance Program (LIHEAP) due to the recession and the spike in unemployment. The resolution language was included in the Fiscal Year '02 Labor, Health and Human Services Appropriations conference report and enacted into law. (See also ENERGY.)

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## Protecting Injured Victims from Unethical Business Practices

Stark co-authored legislation to impose a tax penalty on unscrupulous purchasers of structured settlements payments.

This bill was prompted by the practices of companies who prey on injured victims and pressure them to sell (at a deep discount) their future damage payments, which they have received as a result of a tort claim. Doing so often leaves the injured party without sufficient means to pay their medical costs. The bill created an economic disincentive for these types of companies to buy settlement payments, but allows legitimate companies to continue doing business. The bill had bipartisan support and the support of advocates for the disabled; its provisions were rolled into HR2884, the Victims of Terrorism Relief Act of 2001 and enacted into law in 2002. (See also TAX.)

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## Labor and Trade (top)

Stark supported safer working conditions for all workers, a minimum wage increase, and ergonomic standards to reduce work-related injuries.

## Safety Standards for Mexican Trucks

One of NAFTA's troubling results is the failure of drivers and trucks transporting goods from Mexico to meet US safety standards. To address safety concerns, Stark cosponsored H. Res. 152, requesting that the President certify to Congress that all trucks and drivers coming from Mexico will meet U.S. safety and emissions standards. Unfortunately, a NAFTA dispute tribunal ruled that any prohibitions placed on trucks coming from Mexico would violate the agreement.

The Department of Transportation's Inspector General and the General Accounting Office have documented the unresolved safety issues with trucks coming across the border from Mexico. Stark supported a successful amendment that would prohibit processing of applications for Mexican trucks to operate in the US. The Senate placed an array of inspection and insurance requirements on Mexican trucks in its Transportation Appropriations bill, despite veto threats from the President. The two chambers finally came to an agreement, and the President signed the bill, which will require Mexican trucks to meet the same safety standards as U.S. trucks and drivers.

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## Andean Trade Preference Act

Stark opposed the Andean Trade Preference Act because this bill overlooks the importance of protecting labor rights overseas and sets up unfair trade circumstances for U.S. textile workers.

The Andean Trade Expansion bill (HR 3009), if enacted, would give the Andean region duty-free status on various imports in hope that the region would replace their drug economy with other sustainable alternatives. Stark argued that this hope was unfounded in light of the Colombian government's failure to address the threats and even assassinations of labor activists by the paramilitary organizations seeking to defend the illicit drug trade.

The bill, if enacted, would add textiles and apparel to the list of imports that will be allowed into our country duty and quota-free. In addition to the Andean countries (Columbia, Bolivia, Ecuador and Peru) already included under the current Andean Trade Preference Act, Caribbean and sub-Saharan African countries will also be included in this duty and quota-free status for apparel. This would have a devastating affect on textile and apparel jobs here at home. The House has passed this bill and it awaits Senate action.

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#### Fast Track Trade Negotiating Authority

Stark worked with his colleagues to defeat a bill (HR 3019) that would grant the President fast track trade negotiating authority. This bill gave even less protection to labor and environmental issues than the 1988 fast track bill used to negotiate the North American Free Trade Agreement (NAFTA). After the surge of imports and loss of millions of jobs following NAFTA's implementation, Stark pushed to hold the President accountable for negotiating better trade agreements. Unfortunately, in a vote that couldn't have been closer (215-214), the bill passed the House and is awaiting action in the Senate.

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#### Diamonds

Stark was an original cosponsor of HR 918 and HR 2722 that would impose import restrictions and enforcement provisions on "conflict diamonds." Conflict diamonds are diamonds being used by African rebels and dictators to finance military activities, overthrow legitimate governments, and subvert international efforts to promote peace and stability. The United Nations Security Council has prohibited states from importing diamonds from, and exporting weapons to, certain countries affected by diamond-related conflicts.

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## Columbia

Paramilitary organizations seeking to defend the illicit drug trade in Columbia have threatened and assassinated labor activists in Columbia. Stark joined other House Members in a letter to the President of Columbia asking for an investigation into the deaths of union activists who worked diligently to bring fair and legal trade practices to a country whose primary export is now cocaine. (See also FOREIGN AFFAIRS.)

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## Ergonomics Debate: Business Prevails over Worker Safety

Stark opposed the resolution (H Res 79) to repeal the Occupational Safety & Health Administration's ergonomics standard. This standard, issued under the Clinton Administration, was scheduled to take effect in October of 2001. Unfortunately, the resolution calling for repeal passed Congress and was signed by the President.

The ergonomic standard had been developed over a ten-year period with assistance from the businesses that had successfully prevented ergonomic injuries or reduced their severity in the workplace. Repetitive injuries are one of the leading causes of work-related illness. More than 647,000 American workers suffer serious injuries and illnesses due to musculoskeletal disorders, costing businesses \$15 to \$20 billion annually in workers' compensation costs.

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## Minimum Wage and Decent Labor Conditions

Stark was an original cosponsor of HR 665, a bill to increase the federal minimum wage by \$1.50 over 3 years.

Stark also cosponsored H Con Res 177, expressing the sense of Congress that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children, women and farm worker families.

Stark was an original cosponsor of the HR 2755, Day Laborer Fairness and Protection Act. The bill would require day laborer service agencies to disclose the wage rate offered by the agency and protects day laborers from being exploited.

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[Judiciary \(top\)](#)

Stark worked to promote justice by fighting discrimination and advocating gun control laws to protect our children from the danger of firearms.

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[Hate Crimes](#)

Stark is a cosponsor of HR 74, the Hate Crimes Prevention Act of 2001. This bill would assist state and local governments in investigating and prosecuting hate crimes. Congress failed to act on this bill.

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[Employment Discrimination](#)

Stark is a cosponsor of HR 2692, the Employment Non-Discrimination Act. The bill would outlaw federal employment discrimination based on sexual orientation. Such protections are already provided based on race, religion, gender, national origin, age and disability.

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## Racial Profiling

Stark is an original cosponsor of HR 2074, the End Racial Profiling Act of 2001. This bill would ban racial profiling in all circumstances, such as race, national origin, or ethnicity. The bill would require all federal, state and local law enforcement officers to cease any racial profiling procedures. Although the Congress has not acted on this bill, it has achieved bipartisan support. Rep. Stark is hopeful that the bill will be addressed this year.

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## Gun Control

Stark is a strong proponent of gun control laws that protect our children from the danger of firearms. He has cosponsored several bills to improve our gun laws, including the Childproof Handgun Act of 2001, the Child Handgun Injury Prevention Act, and the Antique Firearm Safety Act.

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## Tax (top)

### Bush Tax Proposal

Stark opposed the Economic Growth and Tax Reconciliation Act of 2001 (HR 1836), the Bush's tax cut bill because it was fiscally irresponsible and inequitable.

This bill cuts income tax rates, eliminates the estate tax for one year, increases the amounts that can be deferred in retirement savings plans, and increases the standard deduction for married couples.

Congress passed the Bush tax cut, depleting the budget surpluses, and leaving no leeway to shore up the Social Security and Medicare programs. No surplus dollars were left for key priorities like a Medicare prescription drug benefit for seniors and better education for our children. Finally, the tax cut overwhelmingly benefited the wealthy with little relief given to the vast majority of working families. (See also HEALTH and CHILDREN and FAMILY ISSUES.)

## Democratic Alternative Tax Proposal

Stark did support more balanced tax reduction plans as alternatives which would have spent a fraction of the comprehensive Bush tax proposal, leaving room to pay down the debt and for other critical spending needs. The substitute bills also would have spread the tax relief more evenly among all working families. Unfortunately, the alternatives failed to win a majority vote in this Congress.

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## Pension Changes

Stark opposed HR 10, a pension reform bill, because he argued that any reform bill should expand retirement coverage to those who do not have existing benefits. Half of the American workforce now lack pension coverage. Primarily, the workers without benefits are low to moderate-income workers and employees in small businesses. But instead of addressing the needs of these workers, the bill expanded the amounts that can be saved by workers who already have pensions. In addition, the bill could actually provide a disincentive for small business owners to provide any pension coverage at all. In spite of these concerns, the bill was enacted into law.

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## Protecting Injured Victims from Unethical Business Practices

Stark co-authored legislation (HR 1514) to impose a tax penalty on unscrupulous purchasers of structured settlements payments. This bill was prompted by the practices of companies who prey on injured victims and pressure them to sell

(at a deep discount) their future damage payments, which they have received as a result of a tort claim. Doing so often leaves the injured party without sufficient means to pay their medical costs. The bill created an economic disincentive for these types of companies to buy settlement payments, but allows legitimate companies to continue doing business. The bill had bipartisan support and the support of advocates for the disabled; its provisions were rolled into HR 2884, the Victims of Terrorism Relief Act of 2001 and enacted into law in 2002.

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#### Tax Benefits for Computers Donated to Seniors Centers

Stark cosponsored a bill (HR 2259) to expand the enhanced deduction for corporate donations of computer technology to senior centers and community centers. Congress has not acted on this bill.

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#### Clamping Down on Corporate Tax Shelters

Stark was an original cosponsor the Abusive Tax Shelter Shutdown Act of 2001 (HR 2520). This bill would close the loopholes to prevent tax abuses by corporations in order to decrease their tax liability. Congress has not acted on this bill.

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#### Economic Stimulus Tax Package

Stark opposed the House economic stimulus package, HR 3090, because it was an expensive and ineffective tool to spur economic recovery. This bill would have provided excessive corporate tax breaks while failing to provide health care and to fund unemployment benefits for workers who lost their jobs due to the recession. Although the proponents of the President's economic stimulus plan claimed it would create 300,000 more jobs, the cost for each job created under the Administration's stimulus package would have exceeded \$300,000. Fortunately, the Senate refused to

pass this bill.

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[Constituent Service \(top\)](#)

[Cutting Through Red Tape](#)

Stark helped constituents work through problems they have with the federal government. During the course of this congressional term, Stark and his staff resolved approximately 2,000 cases. For some people, this was a matter of tracking down a missing check from Social Security. For others, help involved strong advocacy to assist constituents in pursuit of their claims before the government. Often times, constituent work allows family members from overseas to be reunited with their kin in times of illness or joyous family celebrations. But always it is a privilege to help the people of the 13th congressional with their federal concerns.

Below are just a few examples of cases successfully resolved:

## Cases

Stark and his staff helped over 1600 constituents cut through federal red tape in 2001. For some people, the casework was a matter of tracking down a missing check from Social Security. For others, Stark's help involved strong advocacy to assist constituents who sought specific government services. Often times, constituent casework allows family members from overseas to be reunited with their families. Listed below are a few examples of constituent issues resolved in 2001:

Herb, a disabled mail carrier & a veteran, asked if the VA shuttle that provides transportation to Livermore VA & Palo Alto VA could also make a stop in Fremont to transport veterans to either facility. Stark's office worked with the VA on this idea and VA began shuttle service for veterans from the Fremont Senior Center in February 2002.

Edward requested assistance in obtaining medals he earned while serving in the military. As a result of Stark's inquiry on Edward's behalf, he received his military medals.

Betty was covered by Medicare as a result of her husband's Medicare coverage. She paid the \$150 quarterly premiums directly to Medicare as required but when her husband died, Medicare erroneously started billing her \$225 per quarter. Although Betty kept paying \$150 each quarter, Medicare erroneously terminated her from Medicare & consequently from Kaiser. Stark's office resolved the billing problems and got her reinstated in Medicare and at Kaiser.

Beant asked for immigration assistance for her family. Stark's office helped to expedite visa interviews for this family because a delay would have resulted in leaving one child behind in their native land due to age limits for family immigration to the US.

Xueying's Permanent Resident Number was inadvertently also assigned to another person. That other person was in New York and about to be deported. Because Xueying had the same number, the confusion with the other person caused problems with her work authorization, her adjustment of status and her travel document. Stark's office has resolved two of these issues and they continue to work on the third one.

Reynaldo's wife was eligible for a V visa under new LIFE Act law, but the INS had no system in place to notify the State Department of the person's eligibility. With much persistence, Stark's staff worked with both INS and the State Department to assure that they fixed the glitches in their information exchange processes, ensuring that visas would be granted to those entitled under the LIFE Act.

Lillian became a US citizen in 1982. Her daughter was born in 1985 in the Philippines. At the age of 16, her daughter was not allowed to return home to US from vacation because she had no proof of US citizenship. Although this family had applied for a Certificate of Citizenship some five years earlier, the INS never processed the application. Stark's office worked with the INS/San Jose office to expedite the Certificate of Citizenship processing and interview so that the teen could return home to the US with her mother.

Jing and his wife had fully paid their taxes. The IRS erroneously claimed that they owed over \$35,000 more in taxes & withheld the couple's \$600 tax rebate. After Stark's office intervened, the IRS corrected its error and paid the couple their \$600 rebate.

As an executor, Carol tried for almost a year to settle her father's estate. Carol's records showed that the Social Security Administration (SSA) owed the estate \$364 but SSA claimed that the estate owed the government more money. Stark's office worked with SSA until they found and corrected their error.

Lois asked for Stark's help getting a headstone corrected for her deceased husband's gravesite at national cemetery in San Bruno. Stark's office worked until the stone was fixed.

Erwan's petition to become a permanent resident was approved in December 2000 by the California Service Center but the approval was never sent to the National Visa Center or to the embassy for final processing. Although there had been an eight month delay before Stark's office intervened, Stark's staff got the California Service Center to retrieve the file and send it to the National Visa Center within one week.

Evelyn's son died. The Social Security Administration (SSA) mistakenly confused the identity of her husband with her son, resulting in the wrongful termination of her husband's benefits & the improper payment of widow's benefits to the Evelyn. Then SSA compounded the problems by reclaiming large amounts from their bank account causing undue financial hardship & overdrafts. Stark's office worked with SSA Program Center to straighten out

the records and resolve the payment differences.

Ernesto petitioned for his son to come to the US. Although the embassy was ready to give the child a visa interview, the California Service Center failed to transfer the file necessary for the interview for 2 1/2 years. After Stark's office intervened, the file was promptly transferred from California to Manila so the child could be reunited with his father in the US.

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[Local Issues \(top\)](#)

## FEMA Flood Insurance Bill

Stark introduced the National Flood Insurance Program Fairness Act of 2000. This bill, if enacted, would require FEMA to reimburse a resident for reasonable costs incurred in connection with a surveyor or engineer when successfully challenging a designation in a flood zone. The bill also changes the process by which residents affected by changes to flood insurance rate maps are notified by FEMA. This will allow residents more time to file appeals and to purchase flood insurance. The need for this bill became apparent when FEMA changed the flood zones in Alameda County without a clear and adequate notice of their process to homeowners.

## Sudden Oak Death

Stark signed a letter on November 16, 2000, asking for \$2.1 million to study causes of sudden oak death. On January 19, 2001 Secretary of the Interior, Dan Glickman's office gave notice that the request was granted. (See also [ENVIRONMENT](#).)

## Studies on Estudillo Canal and Laguna Creek

Stark requested \$100,000 for feasibility studies of the Estudillo Canal in San Leandro and Laguna Creek in Fremont in the Energy and Water Appropriations bill for FY '02. The request was not included in the final bill because appropriators did not fund any new projects.

## Supporting the Needs of 13th CD Children

Stark secured \$1.03 million in funding for Alameda and Santa Clara Counties. The money was included in H.R. 3061, the Fiscal Year 2002 Labor, HHS, and Education Appropriations bill. These funds will support the expansion of Alameda County Social Service Agency's Alternative Response System and will support Santa Clara County's first-in-the-nation effort to provide universal health insurance for all children in the county.

In particular, the bill provides \$440,000 for the Alameda County Social Services Agency's Alternative Response System (ARS). The ARS program provides early intervention and prevention services to help reduce the number of children who must enter the foster care system. The new funds will enable the county to expand the program beyond the two neighborhoods where it has been successfully piloted.

The bill also includes \$590,000 for Santa Clara County's Children Health Initiative. The Children's Health Initiative is a one of a kind program in the nation that seeks to provide health insurance to every child in the county. The program increases children's access to health care by expanding enrollment in existing health care programs, such as the State's Medicaid and SCHIP programs. The Initiative also created a new County insurance program known as Healthy Kids.

#### Support for Davis Street Center

Stark testified before the House Appropriations VA-HUD Subcommittee to request \$3 million for the Davis Street Community Center, located in San Leandro. Stark secured \$150,000 in H.R. 2620, the Fiscal Year 2000 VA-HUD Appropriations bill. The additional funds requested would help enable Davis Street to move into a larger facility and enable them to expand services to the working poor. Davis Street has provided critical services to the working poor for over 30 years and this funding will help them to expand that mission.

#### Meeting Mass Transit Needs

On behalf of the riders of AC Transit, Stark requested the authorization and appropriation of \$4 million to provide 16 new buses and additional bus service in Fremont and Newark.